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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,996	05/10/2005	John Edwards	21.1059	8796
23718 7590 09/24/2007 SCHLUMBERGER OILFIELD SERVICES 200 GILLINGHAM LANE MD 200-9 SUGAR LAND, TX 77478			EXAMINER COY, NICOLE A	
			ART UNIT 3672	PAPER NUMBER
			MAIL DATE 09/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/511,996

Applicant(s)

EDWARDS ET AL.

Examiner

Nicole Coy

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-21, 23, 25-27 is/are rejected.
- 7) ☒ Claim(s) 22, 24 and 28-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-20<sup>and 23</sup> are rejected under 35 U.S.C. 102(b) as being anticipated by Dietle et al. (USP 5,765,637).

With respect to claim 17, Dietle et al. discloses a method of installing a sensor located in a carrier on the outside of a casing, comprising the steps of positioning the casing (6) in a well, cementing (52) the casing in position, positioning a drilling tool (14) inside the casing level with the carrier (see figure 4 and column 5 lines 40-52), drilling through the casing, carrier and cement into the formation surrounding the well so as to create a fluid communication path (see figure 3 and 4) and a drawdown across the drilled hole producing reservoir fluid through the hole (wherein a drawdown would inherently be created due to different pressures between the casing and the wellbore), sealing the hole drilled in the casing (see figure 5); and removing said tool from the well (wherein the projectile is removed once it has been used).

With respect to claim 18, Dietle et al. discloses making a direct measurement of formation pressure prior to sealing the hole (see column 5 lines 50-52).

With respect to claim 19, Dietle et al. discloses that the drilling and sealing operations are repeated at intervals throughout the life of the well (see abstract).

With respect to claim 20, Dietle et al. disclose that the sensor is mounted in a chamber in the carrier (see column 5 lines 40-52).

With respect to claim 23, Dietle et al. disclose that the chamber is filled with a permeable material (propellant), the hole being drilled through the permeable material (see figure 3).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dietle et al.

With respect to claim 21, Dietle is silent as to what end the sensor is mounted. It would have been an obvious matter of design choice to one having ordinary skill in the art to mount the sensor at the opposite end of the chamber from where the hole is being drilled in order to ensure that the sensor is not drilled through. Note that it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. See also, *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice).

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5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dietle et al. in view of Johnson (USP 5,829,520).

With respect to claim 25, Dietle does not disclose that the sensor is encapsulated in a permeable material. Johnson discloses encapsulating a sensor within a permeable material (see column 3 lines 18-25) in order to allow the flow of hydrocarbons while preventing the flow of sand. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Dietle et al. by encapsulating the sensor in a permeable material as taught by Johnson in order to allow the flow of hydrocarbons and prevent the flow of sand.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dietle et al. in view of Nutter (USP 3,823,773).

With respect to claim 26, Dietle et al. is silent as to how the tool is located. It is well known in the art to position a tool using an indexing system. See for example, Nutter, which teaches positioning a well tool using an indexing system. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Dietle et al. by including an indexing system as taught by Nutter in order to position the drilling and plugging tool.

7. Claim 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Dietle et al. in view of Nutter as applied to claim 26 above, and further in view of Oike et al. (USP 5,189,909).

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With respect to claim 27, Dietle et al. in view of Nutter do not teach using a measurement of formation properties to indicate the depth of the tool in the well. Oike et al. teaches measuring properties in a bored hole in order to determine the depth position of the tool. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Dietle et al. in view of Nutter by including a sensor to measure formation properties as taught by Oike et al. in order to determine the depth of the tool.

#### ***Allowable Subject Matter***

8. Claims 22, 24, and 28-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

9. Applicant's arguments filed 7/20/07 have been fully considered but they are not persuasive. Applicant argues that Dietle et al. does not teach drawdown across the drilled hole. However, drawdown would inherently occur as the pressure inside the casing would be different than the pressure in the formation. Thus, this rejection is made final.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole Coy whose telephone number is 571-272-5405. The examiner can normally be reached on M-F 7:30-5pm, first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

nac



William Neuder  
Primary Examiner